



STATE OF  
COLORADO

Ridley - DNR, Hunter <hunter.ridley@state.co.us>

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## Adequacy Review #2, RN06 Hayden Gulch Loadout (C-1992-081)

1 message

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Ridley - DNR, Hunter <hunter.ridley@state.co.us>

Mon, Jun 12, 2023 at 3:46 PM

To: "Kawcak, Miranda" <mkawcak@peabodyenergy.com>

Miranda,

Please find attached the Division's 2nd adequacy review response for the Hayden Gulch Loadout RN06. Let me know if you have any questions.

Kind regards,  
Hunter Ridley  
Environmental Protection Specialist



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

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**AdequacyRev#2\_HGLO.pdf**

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## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

June 12, 2023

Miranda Kawcak  
Hayden Gulch Terminal, LLC  
29515 Routt County Road #27  
Oak Creek, CO 80467

### **RE: Hayden Gulch Loadout; (Permit No. C-1992-081); Permit Renewal No. 6 (RN-6) Adequacy Review #2**

Dear Ms. Kawcak:

The Colorado Division of Reclamation, Mining, and Safety (Division) has reviewed the above referenced permit renewal adequacy review response letter and material submitted. The following is a list of the adequacy review items from the Division's January 3, 2023 first adequacy review letter followed by the response provided by Hayden Gulch Terminal, LLC (HGT). If additional information or revision is required it will be noted. If an item is resolved, that will be indicated.

1. The Division found the application for RN-6 complete on November 21, 2022. Upon completeness HGT is required to publish a Public Notice for four consecutive weeks which will initiate a 30 day comment period from the date of the last publication. As of the date of this letter, the Division has yet to receive a proof of publication of the public notice for RN-6. Please provide the Division a copy of the public notice to ensure that the Public Notice was published as required.
  - a. HGT Response: The affidavit of publication is attached with this submittal.
  - b. **Division Response: Resolved.**
2. In accordance with Rule 2.03.3(1), please provide updated information found in Tab 3 of the PAP:
  - a. Section 2.03.10 of Tab 3 notes that the CDPHE CDPES Permit number COG850008 expires on June 30, 2013. Please update this section to provide the current status of the CDPES permit.
    - i. HGT Response: Tab 3 has been updated to reflect the current term. CDPHE CDPES permit still remains under administrative extension. Updated Tab 3 has been submitted with this submittal.
    - ii. **Division Response: Resolved**
  - b. Please provide an update to the Ownership and Control information



- i. HGT Response: Ownership and Control information has been updated with in Tab 3 attached with this submittal.
    - ii. **Division Response: Resolved**
  - c. Please assure that any land ownership changes, or mineral ownership changes have been updated in the PAP.
    - i. HGT Response: Exhibit 3-1 and Appendix 3-2 have been updated to reflect land owner changes over the last permit term. Both are attached with this submittal.
    - ii. **Division Response: The following entities are listed in the legend of the Exhibit 3-1 Surface Ownership but are not shown on the map: Denver, Northwestern Pacific Railroad and Dry Creek Subdivision. Please submit a revised map with these two surface ownership entities labeled or remove them from the legend should the entity listed no longer hold surface ownership.**
  - d. As per Rule 2.03.6, please assure that all Right of Entry agreements have remained current through the proposed 5-year permit term
    - i. HGT Response: All necessary agreements remain in place and no updates are needed.
    - ii. **Division Response: Resolved**
  - e. Please update the Permit Summary in Tab 1 to reflect new technical revisions, minor revisions, midterm reviews, surety reductions, permit revisions, and renewals since its last update after RN-5 in 2017.
    - i. HGT Response: Tab 1 has been updated to reflect changes over the previous 5 year permit term. Updated Tab 1 is attached with this submittal.
    - ii. **Division Response: A description of MR-27, which proposed an update in legal entity for one of the primary surface owners, is missing from the list provided with this adequacy response. Please submit a revised page which includes MR-27.**
3. Per Rules 2.04.11(4) and 2.05.6(2), please provide updates to the T&E species information and discuss potential impacts to current state and Federal threatened and endangered plant and animal species lists. The Federal and state listed species of concern may have been updated since the last revision.
- a. HGT Response: There are no new species of concern to the HGLO permit. No updated to T&E Species information is needed.
  - b. **Division Response: Resolved**
4. As per Rule 2.03.10, please ensure that the list which identifies other required licenses and permits is up to date.
- a. HGT Response: Tab 3 has been updated as necessary to reflect the most current information.
  - b. **Division Response: Resolved**

5. As part of the revision process, the Division has reviewed the reclamation cost estimate (RCE) associated with RN-06 and has updated the Division's site-wide RCE. Please find the full summary attached with this review letter. Hayden Gulch Loadout's RN-06 RCE includes the updates from all revisions and bond releases issued since Midterm No. 6 review (SL-02 and PR-02). The new total amount for the updated HGL RCE is **\$865,033.00**. This amount is \$143,210.00 **more** than the \$721,823.00 currently held by the Division. This amount is sufficient to assure completion of the remaining reclamation work to the HGL if the work had to be performed by the Division, including the cost of reestablishing vegetation on any revegetated areas, should those areas fail. An update to this bond is required for the approval of RN-06.
- a. HGT Response: HGT is asking that DRMS does not adjust the current bond requirement until after SL3 is final for the release of the TAHR. SL3 Will be submitted to the division in the upcoming weeks.
  - b. **Division Response: The Division will require that this bond increase be fulfilled as part of the Permit Renewal 06 (RN06) process. The timeline for the completion of an SL3 revision is uncertain. Thus, the Division requests that all required adequacy items for RN06 be fulfilled before attempting to adjust the bond through a surety release request.**

This concludes the Division's review of the permit renewal adequacy review response letter dated January 3, 2023. The decision date for this revision is July 1, 2023. If you have any questions, please contact me.

Sincerely,



Hunter C. Ridley  
Environmental Protection Specialist

CC: Michael Cunningham, DRMS